

From: Brad Frazer <bfrazer@hawleytroxell.com>
To: 'Carl Malamud' <carl@media.org>
Cc: David Halperin <davidhalperinc@gmail.com>
Subject: DMCA Notice of Copyright Infringement at Public.Resource.Org [IWOV-DMSMSG1.FID616923]
Date: July 15, 2013 at 12:59:48 PM PDT

Sure. Oh, and thanks for the letter. Very well researched and put together. Did you intend that to be a formal counternotification under 17 USC 512(g)(3)?

My client is reviewing, and so it may have mooted the need for a call since your position is pretty clear, but I will ping you and/or David in the a.m. if a call is still in order.

Thanks, Carl.

Brad

-----Original Message-----

From: Carl Malamud [mailto:carl@media.org]
Sent: Monday, July 15, 2013 1:51 PM
To: Brad Frazer
Cc: David Halperin
Subject: Re: DMCA Notice of Copyright Infringement at Public.Resource.Org [IWOV-DMSMSG1.FID616923]

I'm in meetings for the rest of the day, but I'm in tomorrow morning if you'd like to talk still. David Halperin is around as well.

Best regards,

Carl

On Jul 15, 2013, at 12:25 PM, Brad Frazer <bfrazer@hawleytroxell.com> wrote:

Thank you, Carl. I appreciate that. I will get off my high horse!

I will watch for your counternotification in a bit, then. I assume you are counternotifying as to all the content, the code and the analysis?

To be clear, our position is that you can use the code. I offered a license--I expect you will say one is not needed. OK, let's talk about how to get you

the code files and what to do about the analysis.

Thanks,
Brad

-----Original Message-----

From: Carl Malamud [mailto:carl@media.org]

Sent: Monday, July 15, 2013 1:21 PM

To: Brad Frazer

Subject: Re: DMCA Notice of Copyright Infringement at
Public.Resource.Org [IWOV-DMSMSG1.FID616923]

Not making you look like rubes. You're the potato state. Don't take offense because it wasn't meant to give offense.

I'm sending you our response in a few minutes.

On Jul 15, 2013, at 12:15 PM, Brad Frazer <bfrazer@hawleytroxell.com> wrote:

Carl,

"Revenge of the potato people"?

You are not obligated to keep it a secret, no. But using social media to make us look like rubes when the statute provides a very well defined response mechanism is not helpful to the discussion, no.

When may we speak? I think a call would be helpful here.

Thanks,
Brad

-----Original Message-----

From: Carl Malamud [mailto:carl@media.org]

Sent: Monday, July 15, 2013 1:11 PM

To: Brad Frazer

Subject: Re: DMCA Notice of Copyright Infringement at Public.Resource.Org [IWOV-DMSMSG1.FID616923]

Hey Brad. Good to hear from you.

[Annemarie to bcc. She doesn't represent us, merely made the intro. No need to overload her mailbox.]

Not sure how that isn't helpful. You sent us a DMCA takedown notice. That's a pretty big deal ... all I did was tweet that we received the letter. Was I supposed to keep it a secret?

On Jul 15, 2013, at 11:57 AM, Brad Frazer <bfrazer@hawleytroxell.com> wrote:

Carl,

This Tweet is not helpful.

What gives?

Best,
Brad

-----Original Message-----

From: Brad Frazer

Sent: Sunday, July 14, 2013 5:00 PM

To: 'carl@media.org'

Subject: Re: DMCA Notice of Copyright Infringement at Public.Resource.Org [IWOV-DMSMSG1.FID616923]

Sounds great, thanks Carl! Take care, Brad

Sent via Blackberry

----- Original Message -----

From: Carl Malamud [mailto:carl@media.org]

Sent: Sunday, July 14, 2013 04:55 PM

To: Brad Frazer

Cc: Tina Shull

Subject: Re: DMCA Notice of Copyright Infringement at Public.Resource.Org [IWOV-DMSMSG1.FID616923]

Brad -

Great to hear from you. I'm totally slammed in the morning, let me look at this tomorrow and reach out to you then after I've had a chance to look at this.

Yes, we get a lot of scholars looking at this stuff and talking but I imagine you get the same! We have a pretty standard response letter ... somebody sends a DMCA, we have the tech and legal teams take a look at it and generate the standard response. That's in the works, let me get back to you tomorrow or Tuesday.

Looking forward as well!

Best,

Carl

<image001.png>

-----> Message-Header:0x7680b4188a0 Message-ID: C28781CCD19C8980B7D6A191E9C2DD139FD6@EXCHANGE2.Inch.com From: mailcore:Address:0x7600b415980 Brad Frazer <bfrazer@hawleytroxell.com> To: [mailto:Address:0x7680b4125c0 Carl Malamud <carl@media.org>] Cc: [mailto:Address:0x7680b403970 David Halperin <davidhalperinde@gmail.com>] Subject: RE: DMCA Notice of Copyright Infringement at Public.Resource.Org [IWOV-DMSMSG1.FID616923] X-MIME-Autoconverted: from quoted-printable to 8bit by cyclone public.resource.org id r6fJsp6g019048 X-Spam-Checker-Version: SpamAssassin 3.3.2 (2011.06.06) on cyclone public.resource.org X-MS-Exchange-Organization: 11307151559901201 X-MS-THREAT-Engine: Content-Type: text/plain; charset=WINDOVS-1252 MIME-Version: 1.0 x-wsguid: IWOV-IMANAGE-4c24a9732d2d667824453182c3186 Thread-Topic: DMCA Notice of Copyright Infringement at Public.Resource.Org [IWOV-DMSMSG1.FID616923] Thread-Index: AqfBk5qfkgUQ0vE8qPv6XZVpWwag=s originating:ip:10.1.18.84 X-MS-Has-Attach: Content-Language: en-US Content-Transfer-Encoding: 8bit Received: from serviced1-us.mimecast.com (serviced1-us.mimecast.com [207.211.31.47]) by cyclone public.resource.org (6.14.5.8.14.4) with ESMTP id r6fJsp6g019048 for <carl@media.org>; Mon, 15 Jul 2013 12:59:51 -0700 (PDT) (envelope-from bfrazer@hawleytroxell.com) Accept-Language: en-US X-Spam-Status: No, score=-0.7 required=-7.0 tests=RCVD_IN_DNSWL_LOW autolearn=unavailable version=3.3.2 </small>